

S.C.

Notice of Allowability

Application No.

09/660,175

Examiner

Brian P Mruk

Applicant(s)

SIVIK ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 29, 2004.
2. ☒ The allowed claim(s) is/are 1-16, 18-31 and 34.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Brian P. Mruk

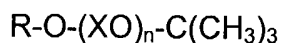
Brian P Mruk
Primary Examiner
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REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Hatton et al, GB 2,158,080 A, discloses detergent compositions containing alkylbenzyl poly(oxyalkylene) derivatives (see abstract). It is further taught by Hatton et al that the alkyl benzyl poly(oxyalkylene) derivatives are used in an alkaline powder dishwashing product containing 2% by weight of the alkyl benzyl poly(oxyalkylene) of formula 1, 30% by weight of sodium metasilicate, 38% by weight of soda ash, 10% by weight of trisodium nitrilo triacetic acid powder, and 20% by weight of sodium tripolyphosphate (see Example 4), and are also used in a liquid rinse aid formulation containing 25% by weight of the alkyl benzyl poly(oxyalkylene) of formula 1, 10% by weight of dipropylene glycol, 1% by weight of N-lauroyl sarcosinate and 64% by weight of water (see Example 5). However, patentee differs from applicant in that Hatton et al does not teach or suggest in general the specific ether-capped poly(oxyalkylated) alcohol surfactants required by applicant in the instant claims.

Billenstein et al, DE 2,556,544, discloses a machine dishwashing detergent composition comprising a nonionic surfactant with the following formula (I):



wherein R is a branched or linear alkyl group containing 6-22 carbon atoms, X is a C₂-C₃ alkylene group, and n is a number between 5-50, as required by applicant in the instant invention (see page 1, lines 1-8). It is further taught by Billenstein et al that the nonionic surfactants of formula (I) are used in machine dishwashing detergent

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compositions containing 2-15% by weight of the nonionic surfactants of formula (I), and various adjunct ingredients (see Examples 1-3). However, patentee differs from applicant in that Billenstein et al does not teach or suggest in general the specific ether-capped poly(oxyalkylated) alcohol surfactants required by applicant in the instant claims.

Accordingly, the claims viewed as a whole would not have been obvious to one of ordinary skill in the art at the time of the invention after viewing the prior art of record.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

BPM

Brian Mruk
July 22, 2004

Brian P. Mruk

Brian P. Mruk
Primary Examiner
Tech Center 1700